

REMARKS

In the non-final Office Action, the Examiner:

- objects to claim 33 because of alleged informalities;
- rejects claims 30, 33, 34, 39, 42, 44, and 45 under 35 U.S.C. § 103(a) as allegedly unpatentable over U.S. Patent Application Publication No. 2005/0137996 to Billsus et al. (hereinafter "BILLSUS") in view of U.S. Patent No. 6,643,661 to Polizzi et al. (hereinafter "POLIZZI") and further in view of U.S. Patent Application Publication No. 2005/0005237 to Rail et al. (hereinafter RAIL);
- rejects claims 41 and 43 under 35 U.S.C. § 103(a) as allegedly unpatentable over BILLSUS, POLIZZI, and RAIL, and further in view of U.S. Patent No. 6,581,072 to Mathur et al. (hereinafter "MATHUR");
- and rejects claims 35 and 36 under 35 U.S.C. § 103(a) as allegedly unpatentable over BILLSUS, POLIZZI, and RAIL, and further in view of U.S. Patent No. 7,058,944 to Sponheim et al. (hereinafter "SPONHEIM"). Applicants respectfully traverse these rejections.

By way of this Amendment, Applicants amend claims 30, 33, and 36 to improve form and add new claims 46-48. No new matter has been added by the present Amendment. Claims 30, 33-36, 39, and 41-48 are pending.

Objection to Claim 33

The Examiner objects to claim 33 because of informalities. The Examiner alleges that terms "the custom news server" in lines 3-4 of claim 33 lack antecedent basis. Applicants have amended claim 33 to address the Examiner's concern. Accordingly, Applicants respectfully request that the objection to claim 33 be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and RAIL

Claims 30, 33, 34, 39, 42, 44, and 45 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over BILLSUS, in view of POLIZZI, and further in view of RAIL.

Applicants respectfully traverse this rejection.

Amended independent claim 30 is directed to a system that includes a first server and a second server. BILLSUS, POLIZZI, and RAIL, whether taken alone or in any reasonable combination, do not disclose or suggest one of more of the features recited in claim 30.

For example, BILLSUS, POLIZZI, and RAIL do not disclose or suggest a first server to send a search query that was embedded within news content, stored local to the first server, across a network to a second server, in response to a request, received from a client device, to access the news content, as recited in amended claim 30. The Examiner relies on paragraphs [0035] and [0059] of BILLSUS for allegedly disclosing “a first server to send a search query that was embedded within the news content across at least a portion of a network to a second server” and for allegedly disclosing “extracting text from a document and transmitting the extracted (*sic*) to a server to be used as a search query” (Office Action, pp. 5-6). The Examiner further relies on paragraph [0061] of RAIL for allegedly disclosing “embedding a query into a document” (Office Action, p. 7). Applicants disagree with the Examiner’s interpretation of BILLSUS and RAIL.

Paragraph [0035] of BILLSUS discloses:

In various exemplary embodiment, the client module 20 performs various functions, selected from a list including, but not limited to, extracting text 21 from one or more accessed documents 52 developed using commonly-used productivity applications 50, proactively transmitting 22 the extracted text to the server module 30, proactively notifying the user 23 of the existence of closely related previously accessed content found, providing an electronic connection 24 to closely related previously accessed content found, providing an explicit history 25 of the user's content found, accessed and/or retrieved, providing a menu 26 including a digest generation component used to specify a digest to be generated by the server module 30, and the like functions.

This section of BILLSUS discloses extracting text from one or more accessed documents developed using a productivity application, transmitting the extracted text to a server, notifying the user of the existence of closely related, previously accessed content that has been found, providing a connection to the previously accessed content, providing an explicit history of the found content, and providing a digest to be generated. The Examiner relies on the extracted text as allegedly corresponding to an embedded search query (Office Action, pp. 6-7). Applicants respectfully submit that the Examiner's interpretation is not reasonable. The Examiner alleges that a search query or a keyword must have been embedded previously in order to be extracted in a later stage (Office Action, p. 7). This is incorrect. "Embedding" refers to a process of inserting something additional to a pre-existing entity. No reasonable interpretation of the term "embedding" would lead one of ordinary skill in the art to interpret, for example, that the process of typing words to create a document corresponds to "embedding" keywords into the document. Rather, embedding keywords to a document implies adding additional content to the document at a later time. Therefore, the Examiner's assertion that this section of BILLSUS discloses embedding search queries is factually incorrect.

Furthermore, this section (or any other section) of BILLSUS does not disclose or suggest receiving a request, by a server device, from a client device, to access news content stored at the server device. Rather, this section of BILLSUS discloses sending text, extracted from a document accessed by a user, from client module 20 to server module 30. This section of BILLSUS does not disclose or suggest that server module 30 receives a request from client module 20 to access news content (or any content) stored at server module 30, as would be required by claim 30, based on any reasonable interpretation of BILLSUS.

Therefore, this section of BILLSUS does not disclose or suggest a first server to send a search query that was embedded within news content, stored local to the first server, across a network to a second server, in response to a request, received from a client device, to access the news content, as recited in amended claim 30.

Paragraph [0059] of BILLSUS discloses:

In various exemplary embodiments, the query generation circuit or routine 365 uses an algorithm that allows the server module to convert a text fragment of arbitrary length into a weighted query. In various exemplary embodiments, the server module uses the weighted query to retrieve related content for revisitation support or digest generation.

This section of BILLSUS discloses converting a text fragment of arbitrary length into a weighted query and using the weighted query to retrieve related content for revisitation support or digest generation. This section of BILLSUS does not disclose or suggest search queries that were embedded into news content. Rather, this section of BILLSUS discloses converting a text fragment into a weighted query.

Furthermore, this section (or any other section) of BILLSUS does not disclose or suggest receiving a request, by a server device, from a client device, to access news content stored at the server device. Rather, this section of BILLSUS discloses that the server module uses the query to retrieve related content for revisitation support or digest generation.

Therefore, this section of BILLSUS does not disclose or suggest a first server to send a search query that was embedded within news content, stored local to the first server, across a network to a second server, in response to a request, received from a client device, to access the news content, as recited in amended claim 30.

POLIZZI does not overcome the deficiencies of BILLSUS set forth above with respect to the above-noted feature of amended claim 30.

Paragraph [0061] of RAIL discloses:

The Search Client 722 may be an end user, portlet, or web page that issues a query to the Search Server 720. By allowing a web page to embed a query, dynamic document lists are possible. This feature saves web masters many hours of work manually updating document lists. For example, a web master may wish to have links on a web page that link to each price list document for all service offerings issued by the enterprise in North America in the past three years. Rather than manually finding and entering links to these documents within the web page, the web master merely embeds code within the web page that performs a search of the document index hub for the specified document types and creates links within the web page to each document found from the document index hub. Thus, the web master for a particular web page need not be familiar with the document formatting used by each department or entity within the enterprise to find relevant documents for the web page, but must merely code to have a search of the document index hub.

This section of RAIL discloses that by allowing a web page to embed a query, dynamic lists are possible. This section of RAIL further discloses that a web master may embed code within a web page that performs a search of a document index hub for specified document types and creates links within the web page to each document found from the document index hub.

This section of RAIL does not disclose or suggest receiving a request from a client device. Therefore, this section of RAIL does not disclose or suggest sending a search query that was embedded within news content in response to a request from a client device. Rather, this section of RAIL is entirely silent as to when the code within the web page performs the search of the document index hub.

Therefore, this section of RAIL does not disclose or suggest a first server to send a search query that was embedded within news content, stored local to the first server, across a network to a second server, in response to a request, received from a client device, to access the news content, as recited in amended claim 30.

Therefore, even if BILLSUS and POLIZZI were to be combined with RAIL, the combination would not disclose or suggest each of the features of claim 30. Further, even if for the sake of argument, the combination of BILLSUS, POLIZZI, and RAIL could be fairly construed to disclose or suggest each of the features of claim 30, Applicants assert that the

reasons for combining BILLSUS, POLIZZI, and RAIL do not satisfy the requirements of 35 U.S.C. § 103.

For example, with respect to the reasons for combining BILLSUS, POLIZZI, and RAIL, the Examiner alleges (Office Action, p. 7):

At the time of the invention, it would have been obvious to a person of ordinary skill in the data processing art to modify Billsus' method of aggregating news content from multiple sources to incorporate Rail's method of embedding search query into a document, saving web master and user substantial amount of time manually finding desired documents, by automating the search process.

Applicants submit that the Examiner's allegation is merely a conclusory statement of an alleged benefit of the combination. Such conclusory statements have been repeatedly held to be insufficient for establishing a *prima facie* case of obviousness. In this respect, Applicants rely upon KSR International Co. v. Teleflex Inc., 550 U.S. 398 (2007) (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)), where it was held that rejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness. In this case, no such articulated reasoning has been provided with respect to claim 30.

Furthermore, the Examiner's allegation does not address the features of claim 30. Claim 30 does not recite embedding a search query into a document and aggregating news content from multiple sources. Rather, claim 30 specifically recites a first server to send a search query that was embedded within news content, stored local to the first server, across a network to a second server, in response to a request, received from a client device, to access the news content.

Moreover, BILLSUS discloses extracting text from a document accessed by a user. RAIL discloses embedding code within a web page to search a document index hub for specified document types and creating links within the web page to each document found in the document index hub. The Examiner has not explained how the method of RAIL would be combined with

the method of BILLSUS. For example, combining the method of BILLSUS of extracting text from a document accessed by a user with the method of RAIL of embedding code within a web page to search a document index hub for specified document types and creating links within the web page to each document found in the document index hub would result in a document with links to other documents within a document index hub, and when a user accesses the document, extracted text from the document would be sent to a server module. Such a combination of BILLSUS and RAIL would not disclose or suggest a first server to send a search query that was embedded within news content, stored local to the first server, across a network to a second server, in response to a request, received from a client device, to access the news content.

For at least the foregoing reasons, Applicants submit that claim 30 is patentable over BILLSUS, POLIZZI, and RAIL, whether taken alone or in any reasonable combination. Accordingly, Applicants respectfully request that the rejection of claim 30 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI and RAIL be reconsidered and withdrawn.

Claim 42 depends from claim 30. Therefore, this claim is patentable over BILLSUS, POLIZZI, and RAIL, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 30. Accordingly, Applicants respectfully request that the rejection of claim 42 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and RAIL be reconsidered and withdrawn.

Amended independent claim 33 recites, among other things, receiving, by one of the custom news servers, a selection of one of the news content documents from a user via a client device and retrieving, by a processor associated with the one or more custom news servers, one of the embedded search queries in response to receiving the selection of the one of the news content documents.

As stated above with respect to claim 30, BILLSUS, POLIZZI, and RAIL do not disclose or suggest a first server to send a search query that was embedded within news content, stored local to the first server, across a network to a second server, in response to a request, received from a client device, to access the news content.

Therefore, claim 33 is patentable over BILLSUS, POLIZZI, and RAIL, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons set forth above with respect to claim 30. Accordingly, Applicants respectfully request that the rejection of claim 33 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and RAIL be reconsidered and withdrawn.

Claims 34 and 39 depend from claim 33. Therefore, these claims are patentable over BILLSUS, POLIZZI, and RAIL, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 33. Accordingly, Applicants respectfully request that the rejection of claims 34 and 39 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, and RAIL be reconsidered and withdrawn.

Claims 44 and 45 depend from claim 36. The Examiner did not reject claim 36 under 35 U.S.C. § 103(a) based BILLSUS, POLIZZI, and RAIL. Rather, the Examiner rejected claim 36 under 35 U.S.C. § 103(a) based BILLSUS, POLIZZI, RAIL, and SPONHEIM. Thus, Applicants respectfully submit that the rejection of claims 44 and 45 under 35 U.S.C. § 103(a) based BILLSUS, POLIZZI,, and RAIL is improper. Applicants will address claims 44 and 45 below as if rejected under 35 U.S.C. § 103(a) based BILLSUS, POLIZZI, RAIL, and SPONHEIM.

Rejection under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, RAIL, and MATHUR

Claims 41 and 43 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over BILLSUS, POLIZZI, RAIL, and further in view of MATHUR. Applicants respectfully traverse this rejection.

Claim 41 depends from claim 39. Without acquiescing in the Examiner's rejection of claim 41, Applicants submit that the disclosure of MATHUR does not overcome the deficiencies in the disclosures of BILLSUS, POLIZZI, and RAIL set forth above with respect to claim 39. Therefore, claim 41 is patentable over BILLSUS, POLIZZI, RAIL and MATHUR, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 39. Accordingly, Applicants respectfully request that the rejection of claim 41 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, RAIL, and MATHUR be reconsidered and withdrawn.

Claim 43 depends from claim 30. Without acquiescing in the Examiner's rejection of claim 43, Applicants submit that the disclosure of MATHUR does not overcome the deficiencies in the disclosures of BILLSUS, POLIZZI, and RAIL set forth above with respect to claim 30. Therefore, claim 43 is patentable over BILLSUS, POLIZZI, RAIL, and MATHUR, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 30. Accordingly, Applicants respectfully request that the rejection of claim 43 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, RAIL, and MATHUR be reconsidered and withdrawn.

Rejection under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, RAIL, and SPONHEIM

Claims 35 and 36 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over BILLSUS, POLIZZI, RAIL, and further in view of SPONHEIM. Applicants respectfully traverse this rejection.

Claim 35 depends from claim 33. Without acquiescing in the Examiner's rejection of claim 35, Applicants submit that the disclosure of SPONHEIM does not overcome the deficiencies in the disclosures of BILLSUS, POLIZZI, and RAIL set forth above with respect to claim 33. Therefore, claim 35 is patentable over BILLSUS, POLIZZI, RAIL, and SPONHEIM, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 33. Accordingly, Applicants respectfully request that the rejection of claim 35 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, RAIL and SPONHEIM be reconsidered and withdrawn.

Amended independent claim 36 recites, among other things, one or more instructions to receive, across a network connection, a selection of one of the news content documents from a user at a client device and one or more instructions to retrieve one of the embedded search queries in response to receiving the selection of the one of the news content documents.

As stated above with respect to claim 30, BILLSUS, POLIZZI, and RAIL do not disclose or suggest a first server to send a search query that was embedded within news content, stored local to the first server, across a network to a second server, in response to a request, received from a client device, to access the news content. Without acquiescing in the Examiner's rejection of claim 36, Applicants submit that the disclosure of SPONHEIM does not overcome the deficiencies of the disclosures of BILLSUS, POLIZZI, and RAIL set forth above with respect to claim 30. Therefore, claim 36 is patentable over BILLSUS, POLIZZI, RAIL, and

SPONHEIM, whether taken alone or in any reasonable combination, for at least reasons similar to the reasons set forth above with respect to claim 30. Accordingly, Applicants respectfully request that the rejection of claim 36 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, RAIL, and SPONHEIM be reconsidered and withdrawn. Moreover, amended claim 36 is patentable over BILLSUS, POLIZZI, RAIL, and SPONHEIM for reasons of its own.

For example, amended claim 36 recites one or more instructions to sort the received news content based on at least one of a news source, author, or news category. BILLSUS, POLIZZI, RAIL, and SPONHEIM, whether taken alone or in any reasonable combination, do not disclose or suggest this feature. Applicants will address the sections of BILLSUS, POLIZZI, RAIL, and SPONHEIM that appear to be the most relevant with respect to this feature.

For example, paragraph [0075] of BILLUS discloses:

Next, in step S620, a digest document of previously accessed associated content is generated. In various exemplary embodiments, this is based on currently displayed text characteristics. In various exemplary embodiments, digest document generation is performed using techniques similar to those employed for revisiting previously accessed content information, discussed above in connection with step S410. In various exemplary embodiments, all previously seen content that is similar to the user's context, such as, for example, a web page, an email message or another type of document, is retrieved using a query generation approach such as, for example, that described above in connection with sub-step S4160 and its previous sub-steps. Next, in various exemplary embodiments, a new document, for example, a web page, is compiled including document titles, references to the original document or the cached text, optional summaries and other information specified by the user to be included in the digest, such as, for example, access dates or images.

This section of BILLSUS discloses generating a digest document of previously accessed associated content, based on currently displayed text characteristics. All previously seen content that is similar to a user's context is retrieved and a new document is compiled. This section of BILLSUS does not disclose or suggest sorting received news content, let alone sorting received news content based on at least one of a news source, author, or news category.

Therefore, this section of BILLSUS does not disclose or suggest one or more instructions to sort the received news content based on at least one of a news source, author, or news category, as recited in amended claim 36.

Col. 12, lines 17-45 of POLIZZI disclose:

Another tool for personalizing a user's portal page is the knowledge server 240, which is an optional component that adds 'search' features to the portal system 120. The knowledge server 240 provides full text searching and concept matching for documents located on Internet, intranet, and portal sites. The knowledge server 240 is configured to conduct searches upon both structured data and unstructured data. Structured data is data that is stored in a format that facilitates processing by a computer such as databases or structured filing systems like the repository 235. Unstructured data includes information that is arranged in a format designed for review by humans such as news articles, press releases, or any documents posted on the Internet to be read by humans. The knowledge server 240 can process structured and unstructured data from a variety of locations including the Internet; a company's intranet, and the portal repository 235. By using concept ranking algorithms and processes, the knowledge server 240 can qualitatively analyze structured and unstructured data and present only those items (structured or unstructured) which are most relevant to the user's search request. The documents that can be searched by the knowledge server 240 include HTML documents, Microsoft documents (such as MS Word), PDF files, text files, Brio.Query™, data files, and many others. The knowledge server 240 has two components: a search server 245 and a crawl server 250. Each portal system 120 supports a single search server 245 and a single crawl server 250 that communicate with each other. These components are interrelated and cannot function without each other.

(emphasis added)

This section of POLIZZI discloses ranking search results based on whether the search results are relevant to a user's search request. This section of POLIZZI does not disclose or suggest sorting received news content based on at least one of a news source, author, or news category.

Therefore, this section of POLIZZI does not disclose or suggest one or more instructions to sort the received news content based on at least one of a news source, author, or news category, as recited in amended claim 36.

The disclosure of RAIL does not overcome the deficiencies of BILLSUS and POLIZZI set forth above with respect to the above-noted feature of amended claim 36. For example, the terms "sort" and "rank" do not appear in the disclosure of RAIL.

The disclosure of SPONHEIM does not overcome the deficiencies of BILLSUS and POLIZZI set forth above with respect to the above-noted feature of amended claim 36. For example, the terms "sort" and "rank" do not appear in the disclosure of SPONHEIM.

For at least these additional reasons, amended claim 36 is patentable over BILLSUS, POLIZZI, RAIL, and SPONHEIM, whether taken alone or in any reasonable combination.

Claims 44 and 45 depend from claim 36. Therefore, these claims are patentable over BILLSUS, POLIZZI, RAIL, and SPONHEIM, whether taken alone or in any reasonable combination, for at least the reasons set forth above with respect to claim 36. Accordingly, Applicants respectfully request that any contemplated rejection of claims 44 and 45 under 35 U.S.C. § 103(a) based on BILLSUS, POLIZZI, RAIL and SPONHEIM be reconsidered and withdrawn.

New Claims

New independent claim 46 is directed to a method performed by one or more server devices. The cited references do not disclose or suggest one or more of the features recited in claim 46.

For example, the cited references do not disclose or suggest receiving, by one of the one or more server devices, query data from a custom news server, where the query data includes a universal resource locator (URL); fetching, by a processor associated with the one or more server devices, a document, corresponding to the received URL, from the custom news server; and generating, by a processor associated with the one or more server devices, a search query based on keywords from the fetched document.

These features are related to features recited in claim 41. With respect to claim 41, the Examiner admits that BILLSUS, POLIZZI, and RAIL do not disclose fetching a selected one of news content documents using a URL (Office Action, p. 11). The Examiner relies on col. 11, lines 25-33 of MATHUR for allegedly disclosing the features recited in claim 41 (Office Action, p. 11). Applicants respectfully submit that this section (or any other section) of MATHUR does not disclose or suggest the above-noted features of new independent claim 46.

Col. 11, lines 25-33 of MATHUR disclose:

Index server 106 then communicates the index information configured in step 302 to user system 102 (step 304). The index information comprises information about web pages accessible via communication network 108. The index information may include information identifying the web pages, information identifying the location of the web pages (e.g. URLs corresponding to the web pages, information about servers storing the web pages, etc.), information related to the contents of the web pages (e.g. concepts/topics/subjects discussed by the web pages), and other information related to the web pages. The index information is generally organized in a manner which facilitates identification of web pages and/or locations of the web pages based on criteria related to the web pages and/or their contents. The criteria may include words occurring in the web pages, concepts or topics discussed by the web pages, contents of the web pages, servers storing the web pages, and other attributes of the web pages.

This section of MATHUR discloses that an index server communicates index information, including a URL, to a user system. This section of MATHUR does not disclose or suggest receiving query data from a custom news server, let alone receiving query data that includes a URL. This section of MATHUR does not disclose or suggest fetching a document, let alone fetching a document corresponding to a URL in response to receiving the URL. This section of MATHUR does not disclose or suggest generating a search query, let alone generating a search query based on keywords extracted from a fetched document.

Therefore, this section of MATHUR does not disclose or suggest receiving, by one of the one or more server devices, query data from a custom news server, where the query data includes a universal resource locator (URL); fetching, by a processor associated with the one or more server devices, a document, corresponding to the received URL, from the custom news server;

and generating, by a processor associated with the one or more server devices, a search query based on keywords from the fetched document, as recited in claim 46.

For at least the foregoing reasons, new independent claim 46 is patentable over the cited references.

Conclusion

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of the application and the timely allowance of the pending claims.

While the present application is now believed to be in condition for allowance, should the Examiner find some issue to remain unresolved, or should any new issues arise which could be eliminated through discussions with Applicants' representative, then the Examiner is invited to contact the undersigned by telephone in order to expedite prosecution of this application.

As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such assertions (e.g., whether a reference constitutes prior art, reasons to modify a reference and/or to combine references, assertions as to dependent claims, assertions regarding Official Notice, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,

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